

Published in the Wichita Eagle on February 18 and February 25, 2011

RESOLUTION NO. 11-027

A RESOLUTION OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR NOTICE OF A PUBLIC HEARING CONCERNING ADVISABILITY OF THE CREATION OF A COMMUNITY IMPROVEMENT DISTRICT WITHIN THE CITY AND THE PROPOSED LEVY OF A COMMUNITY IMPROVEMENT DISTRICT SALES TAX PURSUANT TO K.S.A. 12-6a26 *ET SEQ.*, AS MAY BE AMENDED.

WHEREAS, pursuant to K.S.A. 12-6a26 *et seq.*, as amended (the "Act"), the City of Wichita, Kansas (the "City"), is authorized to create a community improvement district as provided in the Act to provide for the acquisition, improvement, construction, demolition, removal, renovation, reconstruction, restoration, replacement, repair, furnishing and equipping of buildings, structures, facilities, sidewalks, roads, parking lots, traffic signs and signals, utilities, pedestrian amenities, drainage, water, storm and sewer systems, underground gas, heating and electrical services and extensions, water mains and extensions, site improvements, street lights, lighting, street light fixtures, benches, awnings, canopies, walls, trees, landscapes and other cultural amenities (collectively, the "CID Projects" or each a "CID Project"); and

WHEREAS, upon proper petition, the Act further authorizes the City, in order to pay the costs of any project which is a CID Project, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a community improvement district in any increment of .10% or .25% not to exceed 2% (a "CID Sales Tax") and to reimburse the costs of the such project pursuant to pay-as-you-go financing and/or the issuance of special obligation notes and bonds payable from such community improvement district sales tax; and

WHEREAS, a petition (the "Petition") has been filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the Act (the Greenwich & K-96 CID"), the completion of a project relating thereto as more particularly described on Exhibit A attached hereto (the "Project"), and the imposition of a CID Sales Tax in order to pay the costs of the Project; and

WHEREAS, the Petition was signed by the owners of all of the land area within the proposed Greenwich & K-96 CID; and

WHEREAS, the proposed Greenwich & K-96 CID is located near the southwest corner of the intersection of Greenwich Road and K-96 highway in the Regency Lakes Shopping Center within the City; and

WHEREAS, the petition proposes that the City impose a one and two tenths percent (1.2%) CID Sales Tax within the Greenwich & K-96 CID which may be levied by ordinance following the hearing; and

WHEREAS, the Act provides that prior to creating any community improvement district, the City shall, by resolution, direct and order a public hearing on the advisability of creating such community improvement district and authorizing a CID Project therein and the proposed CID Sales Tax within such district which may be levied by ordinance and shall give notice of said public hearing in accordance with the Act;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

1. Notice is hereby given that a public hearing to consider the advisability of the creation by the City of the Greenwich & K-96 CID and the imposition by the City of a one and two tenths percent (1.2%) CID Sales Tax within the Greenwich & K-96 CID shall be held on March 8, 2011, beginning at 9:00 a.m. or as soon thereafter as possible, in the City Council Chambers, City Hall, 455 North Main Street, Wichita, Kansas.

2. The general nature of the proposed Project to be constructed within the proposed Greenwich & K-96 CID is set forth on Exhibit A attached hereto and incorporated by reference herein.

3. The estimated cost of the Project within the proposed Greenwich & K-96 CID is \$28,078,436.

4. The Project within the proposed Greenwich & K-96 CID will be financed on a pay-as-you-go basis from revenues received from the imposition of a one and two tenths percent (1.2%) CID Sales Tax up to a maximum amount of \$17,198,360 within the proposed Greenwich & K-96 CID.

5. A legal description of the proposed Greenwich & K-96 CID is set forth in Exhibit B attached hereto and incorporated herein by reference. A map generally outlining the boundaries of the proposed Greenwich & K-96 CID is attached hereto as Exhibit C and incorporated herein by reference.

6. The City Clerk shall give notice of the public hearing in accordance with the provisions of the Act by publishing this resolution at least once each week for two consecutive weeks in the newspaper and sending this resolution by certified mail to all owners. The second publication of this resolution shall occur at least seven days prior to the date of hearing and the certified mailed notice shall be sent at least ten days prior to the date of hearing.

ADOPTED by the Governing Body this 15th day of February, 2011.

APPROVED and SIGNED by the Mayor the 15th day of February, 2011.

CITY OF WICHITA, KANSAS

By: _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, City Attorney

EXHIBIT A

PROJECT

The general nature of the proposed projects (the “Projects”) is to partially finance the construction, maintenance, and procurement of certain improvements, costs, and services within the District, for the construction of a Cabela’s retail center and contribution to a possible highway interchange improvement at K-96 and Greenwich, including, but not limited to: land acquisition, infrastructure related items, streets, sidewalks, parking lots and facilities, buildings, facilities, tenant improvements, water management and drainage related items, landscaping, lighting, art, water features and other cultural amenities, ongoing maintenance of the District, marketing, advertisement and economic development, cleaning and maintenance, and the City’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act.

EXHIBIT B

LEGAL DESCRIPTION

A tract of land lying north of and adjacent to the north line of Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, to the north side of south lane of Kansas Highway 96, EXCEPT the right-of-way of Greenwich Road, lying within the east 1425 feet of the Southeast Quarter, Section 4, Township 27 South, Range 2 East, of the Sixth Principal Meridian, Wichita, Sedgwick County, Kansas.

CONTAINING: 15.69 acres of land, more or less.

AND

A tract of land lying within a portion of Lot 10, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

BEGINNING at the northwest corner of said Lot 10, thence along the north line of said Lot 10 on a platted bearing of S83°46'10"E, 168.62 feet; thence parallel with and 33.69 feet west of the east line of said Lot 10, S01°00'03"E, 254.27 feet to the south line of said Lot 10; thence along said south line, S88°59'57"W, 167.28 feet to the southwest corner of said Lot 10; thence along the west line of said Lot 10, N01°00'03"W, 275.50 feet to the POINT OF BEGINNING,

TOGETHER WITH,

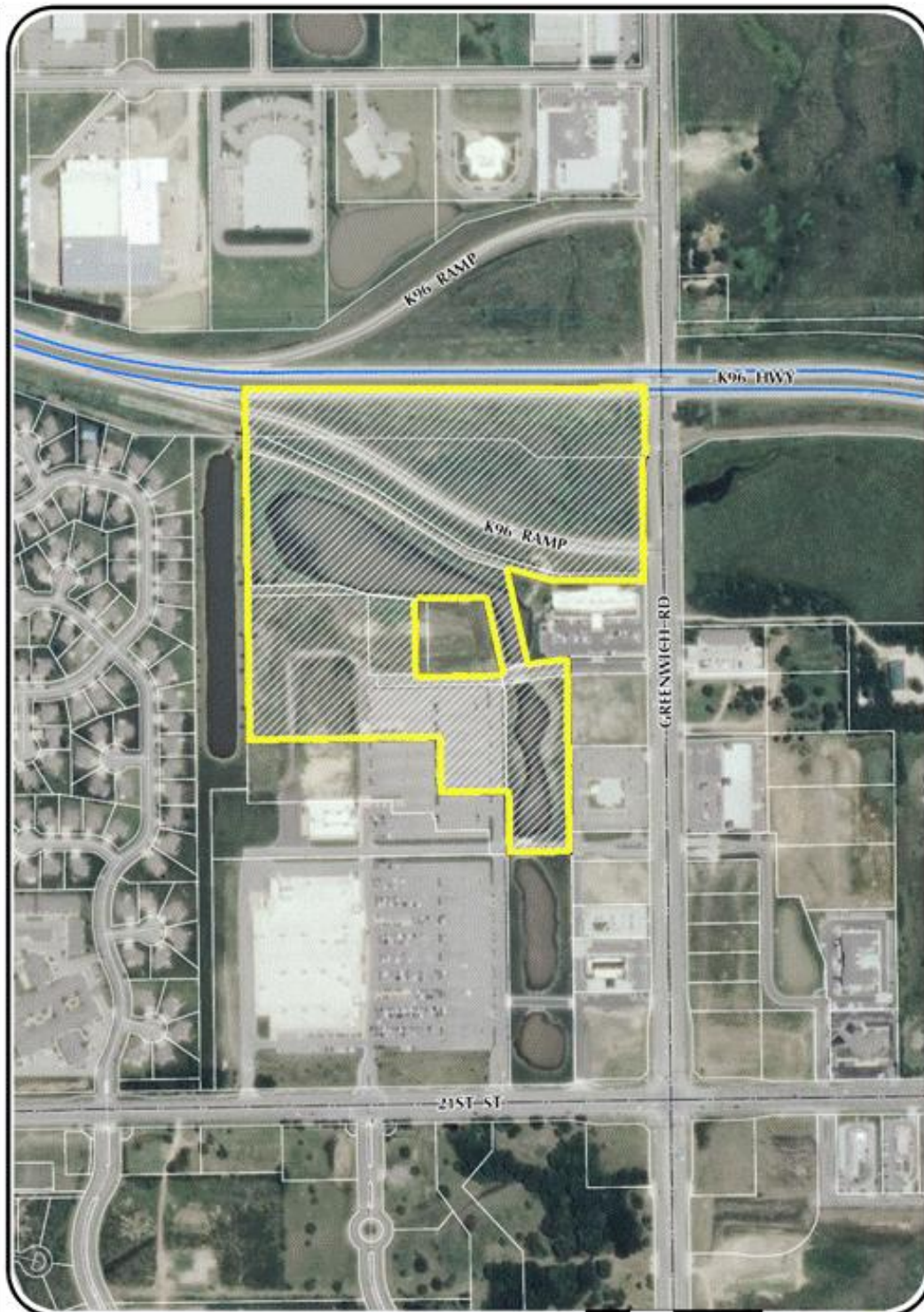
A tract of land lying within a portion of Lot 11, Block 1, Regency Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, said tract being more particularly described as follow:

BEGINNING at the northwest corner of said Lot 11, thence along the north line of said Lot 11 on a platted bearing of N88°59'57"E, 416.79 feet to the northeast corner of said Lot 11; thence along an easterly line of said Lot 11, S01°00'03"E, 275.50 feet; thence along a northerly line of said Lot 11, N88°59'57"E, 26.93 feet; thence along an easterly line of said Lot 11, S00°43'50"E, 40.00 feet; thence along a northerly line of said Lot 11, N88°59'57"E, 429.53 feet to a northeasterly corner of said Lot 11; thence along an easterly line of said Lot 11 for the next two (2) courses, S12°35'14"E, 26.58 feet; thence S00°43'50"E, 343.31 feet; thence S88°59'57"W, 231.24 feet; thence N01°00'03"W, 189.00 feet; thence S88°59'57"W, 647.88 feet to the west line of said Lot 11; thence along said west line, N00°43'50"W, 495.85 feet to the POINT OF BEGINNING,

TOGETHER WITH,

That part of Reserve "A", Lakes Commercial 2nd Addition, an addition to Wichita, Sedgwick County, Kansas, lying north of the extended south line of said Lot 11, Block 1, said addition, CONTAINING: 19.33 acres of land, more or less.

EXHIBIT B
MAP OF DISTRICT



K-96 CID

CID Area Exhibit

300 150 0 Feet



Photo: June, 2010

